

Rye City Planning Commission Minutes

June 24, 2003

PRESENT:

Michael Klemens, Chairman
Barbara Cummings, Vice-Chair
Franklin Chu
Peter Larr
Martha Monserrate

ABSENT:

Hugh Greechan
Patrick McGunagle

ALSO PRESENT:

Christian K. Miller, AICP, City Planner

I. HEARINGS

1. 439 Grace Church Street

Chairman Klemens read the public notice.

Kim Abt (property owner) provided an overview of the application noting that it involved the installation of a split-rail fence with deer mesh in the rear yard of her residence. She noted that the fence was being installed for the safety of her children.

There were no public comments.

On a motion made by Peter Larr, seconded by Franklin Chu and carried by the following vote:

AYES: Michael Klemens, Barbara Cummings, Franklin Chu, Peter Larr, Martha Monserrate

NAYS: None

RECUSED: None

ABSENT: Hugh Greechan, Patrick McGunagle

the Planning Commission took the following action:

ACTION: The Planning Commission closed the public hearing on wetland permit application number WP128.

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ITEMS PENDING ACTION

1. 439 Grace Church Street

The Commission discussed the proposed fence design and its potential impact on impeding wildlife migratory patterns. The Commission noted that turtles migrate across Grace Church from the wetland near the applicant's property. The Commission noted that a sample of the fence materials or a cross-section of its design were not provided for its review. A plan showing the preferred location of these openings was provided for the file.

The Commission agreed that the fence design should be modified to include three openings approximately 2'x3', which would be wide enough to accommodate turtles and allow them to travel through the applicant's rear yard to the front of the residence.

On a motion made by Martha Monserrate, seconded by Barbara Cummings and carried by the following vote:

AYES: Michael Klemens, Barbara Cummings, Franklin Chu, Peter Larr, Martha Monserrate

NAYS: None

RECUSED: None

ABSENT: Hugh Greechan, Patrick McGunagle

the Planning Commission took the following action:

ACTION: The Planning Commission conditionally approved wetland permit application number WP128.

2. Walker Subdivision

The Commission discussed the location of the common driveway and whether it should be shifted further north to create additional separation from the rear yards of existing residences along Rockridge Road. The City Planner and Alan Pilch (applicant's environmental consultant) noted that shifting the driveway further north would result in the loss of a mature stand of hemlock trees, which serves as a significant screen. The Commission agreed that the loss of this screen would not be a good trade-off for the seven additional feet of driveway separation that could be achieved. The City Planner noted that the resident of 5 Rockridge Road who submitted a letter to the Commission did not note concern with the location of the common driveway on the western half of the property, but

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1 suggested that the Commission provide greater separation from the rear yards towards
2 the eastern half of the property.

3
4 The Commission considered the driveway separation on the eastern half of the property.
5 The Commission agreed that the landscape area along the southern property line should
6 be widen to no less than 28 feet where it abuts the rear of property line of 11, 15 and 17
7 Rockridge Road. The Commission stated that the restriction for the perimeter property
8 lines should indicate that the intent of the landscape areas is to provide in perpetuity plant
9 material at least six feet in height to serve as a screen for abutting neighbors.

10
11 The Commission discussed the restrictions for the portion of the property within the 100-
12 foot wetland buffer. The Commission agreed that the narrow portion of Lot 3 extending to
13 Manursing Way should be placed in a conservation easement requiring the property to be
14 left in its natural state. That portion of the property not located within this area, but within
15 the 100-foot wetland buffer should be less restrictive, but in no case allow the placement of
16 any structure or significant site disturbance. Routine maintenance and landscaping would
17 be permitted in this area. The Commission also requested that appropriate markers be
18 provided to delineate the edge of the 100-foot wetland buffer. The Commission noted that
19 all restrictions would be provided for its review in connection with final subdivision plat
20 approval.

21
22 On a motion made by Michael Klemens, seconded by Peter Larr and carried by the
23 following vote:

24
25 AYES: Michael Klemens, Barbara Cummings, Franklin Chu, Peter Larr, Martha
26 Monserrate

27 NAYS: None

28 RECUSED: None

29 ABSENT: Hugh Greechan, Patrick McGunagle

30
31 the Planning Commission took the following action:

32
33 **ACTION:** The Planning Commission conditionally approved preliminary subdivision
34 and LWRP Coastal Consistency application number SUB272.

36 3. 14 Lake Road

37
38 Vice-Chair Cummings recused herself from the discussion of this matter and left the
39 hearing room.

40
41 Alan Pilch (applicant's environmental consultant) provided an overview of the application
42 noting that it involved the construction of an addition to an existing residence. Mr. Pilch
43 noted that the existing residence is approximately 4,750 square feet and that the proposed

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1 addition would add approximately 2,100 square feet. Mr. Pilch stated that the proposed
2 increase would require a FAR variance from the Zoning Board of Appeals, which had not
3 yet been applied for. All wetland areas were deducted from the calculation of lot area.
4 Serge Nivelles (property owner) indicated that the proposed variance was modest and
5 represented an approximately 5-6% increase over existing permitted FAR restrictions.
6

7 Mr. Pilch provided an overview of the proposed mitigation plan and the net increase in
8 impervious area on the property. It was noted that the existing carport on the property is in
9 poor condition and would be removed and replaced with wetland plantings. The total
10 increase in impervious area was approximately 1,839 square feet and that the total
11 mitigation area was approximately 3,715 square feet, exceeding the 2:1 mitigation ratio
12 required by the Commission.
13

14 The Commission discussed possible enhancements to the mitigation plan including
15 extending the landscape mitigation area parallel the water's edge at the rear of the
16 property. Mr. Pilch recommended against this recommendation noting that the plantings
17 could interfere with the private sewer easement bisecting the rear of the property. In
18 addition he noted that the planted area would quickly become overwhelmed by
19 phragmites. The management of this invasive species would be improved if it were
20 maintained as lawn. The Commission agreed with Mr. Pilch's recommendation. The
21 Commission noted, however that additional plantings or other enhancements to the
22 isolated pocket wetland on the property might be desired.
23

24 On a motion made by Peter Larr, seconded by Franklin Chu and carried by the following
25 vote:
26

27 AYES: Michael Klemens, Franklin Chu, Peter Larr, Martha Monserrate

28 NAYS: None

29 RECUSED: Barbara Cummings

30 ABSENT: Hugh Greechan, Patrick McGunagle
31

32 the Planning Commission took the following action:
33

34 **ACTION:** The Planning Commission set a public hearing for its July 22, 2003 meeting
35 for wetland permit application number WP129.
36

37 4. Warner 38

39 Alan Pilch (applicant's environmental consultant) provided an overview of the application
40 noting that it involved the placement of a pump in the rear yard and the extension of piping
41 to an existing catch basin in the Manursing Way right-of-way. Mr. Pilch noted that the
42 applicant was seeking the improvement to remove excess surface water that has
43 accumulated on the property since the implementation of grading activities on the adjacent

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1 Killian property. It was noted that the Killian property was subject to a wetlands violation
2 and was required to implement remediation measures by the Planning Commission last
3 year.

4
5 The Commission noted concern that the proposed measures may drain an existing
6 wetland area and that this may set an undesirable precedent. The City Planner added that
7 other property owners in the City, including the adjacent Odem property, are seeking
8 similar requests to alleviate stormwater ponding. Mr. Pilch stated that the Warner
9 application was unique since the area in question was not a wetland and had only recently
10 become a problem as a result of grading activities on an abutting neighbors property
11 conducted last year. Mr. Pilch added that the wetland would not be drained and that all
12 activities would be within a wetland buffer.

13
14 The Commission requested that the applicant provide soil boring information to confirm the
15 soil conditions and that no wetlands were on the property. The Commission further
16 requested that the height of the catch basin be no lower than the existing grade on the
17 property. This would allow only excess surface water to be drained, preserving below
18 grade hydric conditions. The Commission requested that a detail of the proposed catch
19 basin be provided for its review.

20
21 The Commission requested that the plan be revised to address stormwater quality
22 concerns. The Commission noted that recent Phase II regulations require the City to be
23 concerned regarding the introduction of pollutants into a City drainage system. The
24 Commission requested that additional wetland plantings be provided around the pump to
25 improve water quality. Mr. Pilch discussed the design of the proposed pump, which
26 included silt sacks to prevent silt from passing through the system.

27
28 On a motion made by Peter Larr, seconded by Barbara Cummings and carried by the
29 following vote:

30
31 AYES: Michael Klemens, Barbara Cummings, Franklin Chu, Peter Larr, Martha
32 Monserrate

33 NAYS: None

34 RECUSED: None

35 ABSENT: Hugh Greechan, Patrick McGunagle

36
37 the Planning Commission took the following action:

38
39 **ACTION:** The Planning Commission set a public hearing for its July 22, 2003 meeting
40 for wetland permit application number WP130.

41 42 5. Osborn Parking Modification

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1 Martha Monserrate disclosed that she is a member of the Osborn Capital Improvement
2 Committee and that she is aware of the applicant's parking improvement plans. She
3 added that she did not feel her relationship represented a conflict of interest but wanted to
4 disclose her involvement to the Commission and for the record. The Commission agreed
5 that there was no conflict of interest.

6
7 Frank McCullough (applicant's attorney) noted that the applicant was seeking to add
8 approximately 50 parking spaces on the property to address parking demand concerns.
9 Mr. McCullough added that at the time of the approval for the expansion of the Osborn in
10 1993 the City did not have an applicable parking standard. At that time the City and
11 applicant relied upon parking studies for other comparable facilities. Mr. McCullough
12 noted that there was an approximately 30-space shortfall on the property to serve
13 employee parking needs. He also added that additional parking for occasional events was
14 necessary.

15
16 Mr. McCullough noted that the application included a 36-space parking lot near Theall
17 Road, but that based on the site inspection and staking of that lot, that the applicant was
18 concerned about the loss of mature trees. As a result, Mr. McCullough requested
19 consideration of an alternate plan consisting of approximately 47 spaces interspersed
20 throughout the property. This alternate plan would include spaces on the Boston Post
21 Road side of the property, but would not be within the 160-foot setback established as part
22 of the original site plan approval for the property in 1993.

23
24 Gerry Schwalbe (applicant's engineer) provided an overview of the revised plan. He noted
25 that the previous plan would involve the loss of 11 trees and that revised plan would include
26 no tree loss. The Commission noted the significance of the landscaping on the property in
27 terms of preserving the character of the site. Mr. Schwalbe agreed and noted that the
28 Osborn has an aggressive tree preservation, protection and maintenance program. Mr.
29 Schwalbe added that screening (including both plant material and berming) of the
30 proposed parking area along Boston Post Road would be provided for the Commission's
31 review.

32
33 **ACTION:** The Planning Commission set a public hearing for its July 22, 2003 meeting
34 for modified final site plan and use permitted subject to additional standards
35 and requirements number SP274.

36 37 38 **6. Beechwind**

39
40 Serge Nivelles and Judy Studebaker of the Rye City Zoning Board of Appeals joined the
41 Commission for the discussion of this matter.

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1 The City Planner provided an overview of the review process to date noting that the
2 Commission reached general consensus at its last meeting that the project was consistent
3 with the City's LWRP policies, but that site design and other planning issues had not been
4 resolved. The City Planner added that it was his understanding that those issues would be
5 addressed at this meeting and that they included concerns regarding the development
6 intensity, off-street parking for the public access area, building orientation, visual access to
7 the water from Milton Road, number of curb-cuts and wetland permit considerations.

8
9 The Commission first discussed the opportunities for wetland mitigation and
10 enhancements. Rex Gedney (applicant's architect) noted that currently nearly 98% of the
11 site is impervious and that the proposed site plan included approximately 40% pervious
12 green space. The Commission agreed that the plan would provide significant
13 opportunities for wetland plantings and stormwater quality measures. Neal DeLuca
14 (applicant's partner) noted that a Phase II environmental site assessment had been
15 conducted and the some clean-up of the property would be necessary, but that such clean-
16 up was within manageable limits.

17
18 The Commission discussed the proposed number of curb-cuts and considered alternative
19 designs to reduce the number of curb-cuts from three to two. Mr. Gedney noted that the
20 number of curb-cuts would be increased from two to three, which was not significant. The
21 Commission agreed that the four properties should be limited to three curb-cuts.

22
23 The Commission discussed the proposed building intensity and orientation. The principal
24 concern of the Commission focused on the apparent monotony of the proposed house
25 design and layout contributing to a "cookie-cutter" effect. The Commission also noted
26 concern with the impact the proposed house design would have on blocking views of the
27 Harbor from Milton Road. The proposed wall along the front property line was also a
28 concern. To address this concern the applicant agreed that no fencing or walls would be
29 provided along the front property line. In addition, the Commission agreed that the
30 applicant should modify the site plan to create further separation between proposed Lots 2
31 and 3. This design modification would serve to break up the repetitive design of the
32 proposed subdivision and create an opportunity for a wider central corridor to provide
33 views to the Harbor. The applicant agreed to consider modifications to the plan to address
34 this concern.

35
36 The Commission discussed the need for off-street parking to be incorporated into the site
37 plan. The Commission noted that off-street parking spaces are important to supporting
38 suitable public access, which is strongly encouraged by the LWRP. On-site parking was
39 preferred over any off-site parking solution. Mr. Gedney noted that provided parking on-
40 site would be challenging given the size of the property and the impact it could have on the
41 marketability of the proposed residences.

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1 The Commission discussed the proposed use/re-use of the Gedney Store. Mr. Gedney
2 noted that the store is intended to be preserved and that it has been incorporated on a
3 building lot. It would serve as an accessory building to a principal residence. The
4 Commission noted that the structure should be restricted to preserve and enhance its
5 historic character. The Commission discussed possible deed restrictions or referral to the
6 City's Landmarks Committee for review.

7
8 Sid Burke (Landmarks Committee member) noted concern with the size and orientation of
9 the proposed residences and encouraged the applicant to reconsider its design. He noted
10 that such redesign should respect the existing character of the neighborhood.

11
12 The Commission agreed to provide a recommendation to the Zoning Board of Appeals at
13 its next meeting after it has an opportunity to review the applicant's revised plans.
14
15

7. Discussion of City Council Referral – AYC MC District Rezoning Request

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17
18 Commission member Larr stated that as a member of AYC that he would need to recuse
19 himself from the discussion of the proposed rezoning request. Jonathan Kraut (AYC
20 Attorney) noted that since no formal petition has been submitted to the City Council that
21 such a recusal would be premature. He also added that in his opinion there would be no
22 conflict of interest and that such recusal would not be necessary. The City Planner noted
23 that the proposed rezoning request would impact other club properties located in the MC
24 District and that at least three additional Commission members are members of these
25 clubs. He added that if each Commission member recused based on their affiliation with a
26 membership club that there would be no quorum to discuss the matter.
27

28 The Commission questioned the need for the rezoning and AYC's future development
29 plans. Mr. Kraut responded that AYC has no specific funding or implementation plan at this
30 time, but that it is looking to expand the number of moorings. The existing number of
31 moorings do not meet current demand.
32

33 The Commission noted that the proposed rezoning raises a number of significant land use
34 policy issues impacting Milton Point. The Commission noted that the proposed rezoning
35 offers an opportunity to reconsider the zoning for the MC District and some of the issues
36 raised in a prior "Hot Spots" study conducted by the City which evaluated the development
37 potential of some of the City's membership clubs. Given the hour and the nature of the
38 application, the Commission agreed that it would conduct a special meeting to discuss the
39 rezoning. The Commission requested that the membership clubs and other potentially
40 effected properties be invited to attend the meeting.
41

8. 55 Drake Smith

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1 Alan Pilch (applicant's environmental consultant) provided an overview of the application,
2 noting that it involved the construction of a new residence on a vacant lot within the 100-foot
3 wetland buffer. Mr. Pilch explained that the primary wetland was to the rear of the property
4 and that no activity was proposed within the 100-foot buffer. He noted a small drainage
5 swale on the property that was identified as wetland and that it was within that buffer that
6 the proposed residence would be located.

7
8 Mr. Pilch explained that the house footprint would be approximately 3,000 square feet and
9 that most of the buffer that would be impacted currently consists of lawn.

10
11 The Commission agreed not to set a public hearing until after it conducted a site walk of
12 the property prior to its next meeting on July 22.

9. 30 High Street

14
15
16 Greg DeAngelis (applicant's architect) provided an overview of the application noting that it
17 involved the construction of a service business and two, two-family residences on a
18 property located at 30 High Street. He noted that an existing City sewer line bisects the
19 property and that this line is located outside an existing three-foot easement. This line
20 would be relocated.

21
22 The Commission expressed concern with the intensity of the proposed development given
23 the congested neighborhood pattern. It noted that the Board of Architectural Review had
24 similar concerns and provided copies of these advisory comments to the applicant. The
25 Commission also noted concern with the proposed use of a common driveway that would
26 be shared with business and residential uses. The Commission has had problems with
27 similar configurations in the past and recommended that the site plan be revised to include
28 separate driveways for the business and residential uses. The City Planner added that the
29 proposed mix of business and two-family on the same building lot was being reviewed for
30 zoning compliance. He noted that the site plan would likely need to be changed to have
31 each use on its own building lot.

32
33 The Commission agreed not to set a public hearing until after it conducted a site walk of
34 the property prior to its next meeting on July 22.

10. Minutes

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38 The Commission reviewed and approved minutes of its May 13, 2003 meeting.
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